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SHIPPEN, M

EXAMINER

12M2/0818

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ATTORNEY

PAPER NUMBER

08/18/93

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 12/7/92 6/3/92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s) days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☒ Claims 2-4 have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 1 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. filed on
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Art Unit: 1204

Claim 1 is rejected under 35 U.S.C. § 112, first and second paragraphs. The claim language "and its pharmaceutically acceptable salts" literally requires the claim to read only on mixtures which does not appear to be intended. Language such as "or a pharmaceutically acceptable salt" or the like is suggested. The intermediate "4-formyl-3-hydroxy-1-butene" lacks support in the specification and as such does not appear to be intended. It appears that "4-formyloxy-3-hydroxy-1-butene" was intended. Also, step (a) appears to require the use of formic acid reactant which the claim fails to particularly point out. As the claim is presently written, the claim reads on carrying out such a step without the use of formic acid which lacks description or enablement in the specification as filed. The language of step (b) as to "its corresponding alcohol" is ambiguous since it is possible to convert the formate to more than one alcohol product depending on what is intended by "conversion". It is suggested that the alcohol be identified as "ethyl 6-hydroxy-4-hexenoate".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael L. Shippen** whose telephone number is **(703)-308-4635**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703)-308-1235**.

MShippen
August 17, 1993



MICHAEL L. SHIPPEN
PRIMARY EXAMINER
ART UNIT 1204